

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
PARK WEST GALLERIES, INC.

Case No.: 12-cv-3007 (CM)  
ECF CASE

Plaintiff,

-against-

THERESA FRANKS, an individual, GLOBAL  
FINE ART REGISTRY, LLC d/b/a FINE ART  
REGISTRY, and JOHN DOES 1-10,

**AFFIDAVIT OF THERESA FRANKS**

Defendants.

-----X

STATE OF ARIZONA        )  
                                  ) ss:  
COUNTY OF MARICOPA    )

THERESA FRANKS, being duly sworn, deposes and says:

1. I am a resident of the State of Arizona, and have lived here since 1973.
2. I am the CEO of Global Fine Art Registry, LLC ("FAR"), an Arizona Limited Liability Company.
3. FAR runs an Arizona based internet site located at  
<http://www.fineartregistry.com>.
4. FAR's website is dedicated, in large part, to exposing fraud and deception in the art world.
5. FAR does not sell artwork and is not in any way a competitor of Park West.

6. All actions of FAR and I complained of by Park West in this litigation, including writing articles, posting articles to the FAR website, or telephone calls or e-mails took place within the state of Arizona.

7. FAR and I do not transact any business within the State of New York, and FAR and I never purposefully or knowingly reached into New York for any reason. FAR and I do not derive substantial revenue from interstate or international commerce. FAR and I do not do or solicit business, or engage in any other persistent course of conduct, or derive substantial revenue from goods used or consumed or services rendered in New York.

8. FAR and I have not contracted in New York to supply goods or services, and have not made any contract within New York. FAR and I do not solicit or target New York in any way. FAR and I have not visited this state to conduct any business transactions.

9. FAR and I have also not caused any tortious actions in New York, or any action whatsoever.

10. FAR and I do not have any ownership, interest in, use or possess any real property in New York.

11. We have not contracted to insure any person, property or risk located in New York.

12. FAR and I do not maintain a domicile in New York.

13. FAR and I have not been subject to the exercise of personal jurisdiction of a court in New York which has resulted in an order of alimony, custody, child support or property settlement.


14. It would cause a severe financial burden to force FAR and I to defend this litigation in New York. Along with the financial hardship caused by having to defend this litigation, we would also incur extensive travel expenses, and would be forced to miss time away from our business. Having to travel to New York, along with ten other states to defend nearly identical litigation brought by Park West, would deprive FAR and I of all funds and resources. (¶14).

15. FAR and I knew that Park West was a Michigan Corporation when we authored articles, wrote e-mails or had telephone conversations which formed the basis of Plaintiff's causes of action.

16. FAR and I did not and could not reasonably anticipate that Park West could suffer any harm in New York, or that we would be hailed into Court in New York, for writings and verbal statements about a Michigan Corporation while we were in Arizona.

17. This Affidavit is based on my personal knowledge, information, and belief. If called as a witness, I am competent to testify as to the facts stated herein.

Dated: April \_\_, 2012

  
THERESA S. FRANKS

Subscribed and Sworn before me  
this 2nd day of April, 2012.

Stephanie Kellar  
Notary Public

My Commission Expires:

3/11/13

